

Chapter 166

NOISE

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[HISTORY: Adopted by the Mayor and Council of Pocomoke City 11-18-1968 as Ord. No. 199 (Ch. 28 of the 1968 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Animals -- See Ch. 89.

Peace and good order -- See Ch. 177.

Peddling and soliciting -- See Ch. 180.

§ 166-1. Definitions.

The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except as may hereinafter be specifically provided:

SOUND-AMPLIFYING EQUIPMENT -- Any machine or device for the amplification of the human voice, music or any other sound, but shall not be construed to include standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

SOUND TRUCK -- Any motor vehicle or horse-drawn vehicle having mounted thereon or attached thereto any sound-amplifying equipment.

§ 166-2. Loud, unnecessary and unusual noise.

No person shall make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

§ 166-3. Prohibited noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

- A. Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creation, by means of any such signaling device, of any unreasonably loud or harsh sound and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- B. Radios and phonographs. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, jukeboxes or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring residents or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto; the operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is playing shall be prima facie evidence of a violation of this chapter.
- C. Yelling and shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or at any dwelling, hotel or other type of residence or of any persons in the vicinity.
- D. Loading, unloading and opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicles or the opening or destruction of bales, boxes, crates or containers.
- E. Pile drivers and hammers. The operation, between the hours of 10:00 p.m. and 7:00 a.m., of any pile driver, steam shovel, dredge, pneumatic hammer, derrick, steam or electric hoist, excavating equipment or other appliance, the use of which is attended by loud or unusual noise.
- F. Loudspeakers or amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, assemblage or person, except as otherwise provided in this chapter.

§ 166-4. Noncommercial use of sound trucks; registration.

- A. No person shall use or cause to be used a sound truck with its sound-amplifying equipment in operation for noncommercial purposes in the city without filing a registration statement, in writing, with the City Clerk.
- B. A registration statement, as referred to in Subsection A, shall be filed in duplicate and shall state the following:
 - (1) Name and home address of the applicant.
 - (2) Address of place of business of the applicant.
 - (3) License number and manufacturer's serial number of the sound truck to be used by the applicant.
 - (4) Name and address of the person who owns the sound truck.
 - (5) Name and address of the person having direct charge of the sound truck.
 - (6) Names and addresses of all persons who will use or operate the sound truck.
 - (7) Purpose for which the sound truck will be used.
 - (8) A general statement as to the section of the city in which the sound truck will be used.
 - (9) The proposed hours of operation of the sound truck.
 - (10) The number of days of proposed operation of the sound truck.
 - (11) A general description of the sound-amplifying equipment which is to be used.
 - (12) The maximum sound-producing power of the sound-amplifying equipment to be used in or on the sound truck.
 - (13) The wattage to be used.
 - (14) The volume in decibels of the sound which will be produced.
 - (15) The approximate maximum distance for which sound will be thrown from the sound truck.
- C. Amendment of registration statement. All persons using or causing to be used sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to Subsection A within forty-eight (48) hours after any change in the information therein furnished.

- D. Return of certified copy. The City Clerk shall return to each person filing the registration statement under Subsection A one (1) copy of such registration statement duly certified by the City Clerk as a correct copy of his or her registration statement.
- E. Possession and display of certified registration. The certified copy of the registration statement, returned as provided in Subsection D, shall be in the possession of the person operating the sound truck at all times while the sound-amplifying equipment is in operation. Such copy shall be promptly displayed and shown to any police officer upon request.

§ 166-5. Regulation of sound trucks.

Noncommercial use of sound trucks in the city with sound-amplifying equipment in operation shall be subject to the following regulations:

- A. The only sounds permitted are music or human speech.
- B. Operations are permitted for four (4) hours each day, except on Sundays and legal holidays, when no operations shall be authorized. The permitted four (4) hours of daily operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
- C. Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour, except when such truck is stopped or impeded by traffic. Where stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one (1) minute at each such stop.
- D. Sounds shall not be issued within one hundred (100) yards of hospitals, schools, churches, libraries or courthouses.
- E. The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
- F. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
- G. No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

§ 166-6. Commercial use of sound trucks; license required; fee. [Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]

- A. No person shall operate or cause to be operated any sound truck in the city for commercial advertising purposes with sound-amplifying equipment in operation unless a license therefor has been obtained from the City Clerk. The fee for such license shall be in the amount as shall be determined by the Council by resolution.

- B. Application for license. A person applying for a license as required under Subsection A shall file with the City Clerk an application, in writing, giving in such application the information required in the registration statement under ~ 166-4B.
- C. Possession and display of license. A licensee under this chapter shall keep his or her license in his or her possession in the sound truck during the time the sound truck's sound-amplifying equipment is in operation. Such license shall be properly displayed and shown to any police officer upon request.
- D. Issuance of license. The City Clerk shall issue a license as required under Subsection A upon payment of the required license fee, unless the application required by Subsection B indicates that the applicant would be in violation of the regulations prescribed by § 166-7 or some other provision of this chapter or other ordinance of the city.

§ 166-7. Compliance with regulations required.

No person shall operate or cause to be operated any sound truck for commercial advertising purposes in violation of the regulations set forth in §166-5.

§ 166-8. Violations and penalties¹

Any violation of the provisions of this chapter shall be a municipal infraction and shall be subject to a fine as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time.

¹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.